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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,823	06/23/2003	Brian Sundberg	SUMPT23	9059

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IP STRATEGIES
 12 1/2 WALL STREET
 SUITE I
 ASHEVILLE, NC 28801

EXAMINER

PENDLETON, BRIAN T

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 09/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/601,823	Applicant(s) SUNDBERG, BRIAN	
	Examiner Brian T. Pendleton	Art Unit 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-91 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10-14, 18-21, 29-31, 34, 35, 40-50, 55-75, 84, 85 and 88 is/are rejected.
- 7) ☒ Claim(s) 8, 9, 15-17, 22-28, 32, 33, 36-39, 51-54, 76-83, 86, 87 and 89-91 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 June 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because they are unclear and hand drawn. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 18-20, 29-31, 34, 35, 58, 59, 64, 65, 84, 85, and 88 are rejected under 35 U.S.C. 102(b) as being anticipated by Cuijpers, US Patent 6,462,664. Cuijpers discloses a prior art baby monitoring system in column 1 lines 12-49 that has a transmitter, receiver, the receiving having a speaker and a plurality of light emitting diodes that indicate the level of the sound received. The color of the high sound level LEDs are different from the low sound level LEDs. Claims 1, 2, 18-20, 58, 64, 65, 84, and 88 are rejected. As to claims 29-31, a baby monitor with different color LEDs for indicating the level of the sound inherently has the claimed elements. Regarding claims 34 and 35, the reference mentions red and green lights. As to claim 59, there is inherently an audio amplification circuit.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-7, 10-14, 40-55, 55-57, 70-75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cuijpers et al in view of Armbruster et al, US Patent 7,088,259. Cuijpers does not disclose any structural detail of the prior art baby monitoring system. Armbruster et al teach an infant monitor comprising a plurality of LEDs 200, 210, 220, 230 which are covered by casings and recessed in the receiver housing. It was well known, virtually standard, to construct infant monitors in such a manner, therefore, it would have been obvious to one of ordinary skill in the art at the time of invention that the prior art baby monitor taught by Cuijpers had all the elements of Armbruster. Claims 3-7, 10, 11, and 70-75 are rejected. Regarding claims 12-14, Examiner takes Official Notice that the shape and material of the casing is arbitrary as one configuration does not lend unexpected results over any other configuration and it would have been obvious to one of ordinary skill in the art to realize the claimed configurations. As to claims 40-50, Armbruster et al teach a sequence of light emitting diodes located on the sidewall of the baby monitor. In combination with Cuijpers et al, the lights are differently colored. Regarding claims 55-57, it was well known to have spring clips attached to remote baby monitors.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cuijpers in view of Hung, US Patent Application Publication 2004/01300449. Cuijpers does not disclose that the

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visual indication is done intermittently when the parameter of the audio signal is above a threshold value. Hung discloses a baby monitoring system comprising receiver 200 which has a flashing light generator 232. The flashing light generator 232 produces an intermittent visual cue to the caregiver when transmitted sounds (above a zero level threshold) are received. It would have been obvious to one of ordinary skill in the art at the time of invention to modify Cuijpers to have a flashing light generator for the purpose of alternatively indicating a crying baby.

Claim 61 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cuijpers et al in view of Landa, US Patent Application Publication 2003/0231778. Cuijpers et al do not disclose a switch that actuates and deactuates the audio amplification. Landa discloses a baby monitor 5 with a timed mute button 40 for selectively switching on and off the audio amplification. The benefit of such a switch was for conditioning the sleep of the baby and allowing the parents to sleep themselves. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Cuijpers to include the switch taught by Landa for the purpose of only listening to the baby when monitoring is necessary.

Claims 62 and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cuijpers in view of Thompson, US Patent 7,053,779. Cuijpers does not explicitly disclose a gain selector for the audio amplification. Thompson discloses a volume adjustment circuit 28 (gain selector) in receiver 4 of the baby monitoring system. It was well known to have volume control in audio devices, such as baby monitors, as evidenced by Thompson. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the volume adjustment unit of Thompson in Cuijpers for the purpose of controlling the sound output from the monitor and increasing the capabilities of the monitor. Claim 62 is rejected. Regarding

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claim 63, Examiner takes Official Notice that potentiometers well notoriously well known as volume control means.

Claims 60 and 66-69 rejected under 35 U.S.C. 103(a) as being unpatentable over Cuijpers. Cuijpers does not disclose noise reduction in the audio amplification circuitry, however it was well known to implement noise reduction in the audio devices for the purpose of increasing the intelligibility of the audio signals. Furthermore, Cuijpers does not disclose that the transducer, transmitter, and receiver are digital. Examiner takes Official Notice that the use of digital audio devices increased the speed of processing and accuracy and one of ordinary skill in the art would have known in benefits with respect to a baby monitoring system.

Allowable Subject Matter

Claims 8, 9, 15-17, 22-28, 32, 33, 36-39, 51-54, 76-83, 86, 87, and 89-91 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian T. Pendleton whose telephone number is (571) 272-7527. The examiner can normally be reached on M-F 7-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (571) 272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Brian T. Pendleton
Primary Examiner
Art Unit 2615



btp